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of the sanitary service is required to secure this permission. The law may be suspended for not more than one week at the time of public feasts and fairs, or in case of public necessity. The law is enforced by the inspectors of labor and by the communal bureau of hygiene.

J. HARDING UNDERWOOD.

**Nepotism.** Oklahoma (May, 1908) and Texas (February, 1907) have each enacted a law, apparently unique,<sup>1</sup> against this too prevalent abuse of the appointing power. The later act, an excellent example of growing "legislative plagiarism," copies the earlier one almost verbatim. These acts forbid "any executive, legislative, ministerial or judicial officer" of the State or any of its subdivisions "to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree" to any position or employment in any department of state or local government of which such officer is a member, and which is compensated "out of public funds or fees of office." The Texas law further specifically forbids any district judge to appoint as official stenographer of his district any person so related either to himself or the district attorney of the district. Both acts declare it unlawful for one officer to appoint to such a public position under his control, in part consideration for a like favor, any person thus related to another officer. The Oklahoma law further provides that no person so related to any member of either of the three branches of the "State government" shall be eligible to hold any position or employment in that branch. All officers are prohibited from drawing or authorizing any warrant for the payment, or from the paying out of any public funds, of any such ineligible appointee. The Texas act, but not the Oklahoma, here modifies the liability of the official by the phrase "knowing him to be ineligible." Every officer violating any provision of these acts is to be deemed guilty of a misdemeanor punishable by a fine of from \$100 to \$1000. Furthermore such violation involves "official misconduct" for which he "shall forfeit his office." Whether criminally prosecuted or not, the law commands his removal from office by the "mode of trial and removal prescribed in the constitution and laws of this State" (Oklahoma). The Texas statute specifically provides for ouster by quo warranto proceedings in district court, where no method is prescribed in its constitution.

L. E. AYLESWORTH.

<sup>1</sup> An examination of several standard works with respect to the law of public officers fails to disclose any reference to such an existing statute.